

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

Kevin Braithwaite

Plaintiff,

v.

Marcello Rispoli et al.,

Defendants.

C.A. No. 04-1542-GMS

Trial By Jury Demanded

AFFIDAVIT OF STEPHANIE CARPENTER

Stephanie Carpenter, having been duly sworn according to law, deposes and states as follows:

1. I am employed by the State of Delaware, Department of Correction ("DOC") at the Delaware Correctional Center ("DCC") Smyrna, Delaware as a Correctional Sergeant. I have been employed by the DOC since August 10, 2000. My duties include supervising and participating in the maintenance of discipline, order, security and housekeeping of assigned locations and/or unit. Additional duties include periodic shakedowns of buildings and cell blocks to detect contraband and defects in the security system.

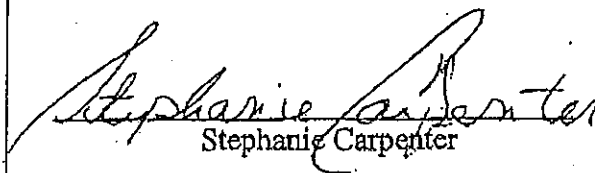
2. I make this affidavit based upon personal knowledge.

3. On October 9, 2004, on the 4:00 PM to Midnight shift, I was the Building Sergeant/Lead Worker in Building #18. Any unusual occurrences or incidents during the shift was to be reported to me by Staff working the tiers. At approximately 10:00 PM, I was informed by the tier officers that Plaintiff Kevin Braithwaite ("Braithwaite") had tied a bed sheet to his ceiling light and was proceeding to put the other end around his neck. I

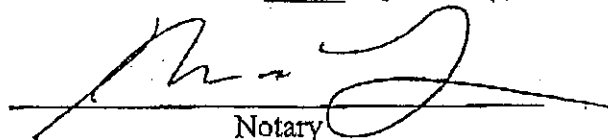
Exh. E-1

responded immediately ordering control to open Braithwaite's cell door. As soon as the cell door opened Braithwaite lunged at me; whereupon, I grabbed my capstun and sprayed Braithwaite in the face. Shortly thereafter, medical assistance was called to examine Braithwaite.

4. It was subsequently learned that Braithwaite "faked" his suicide in an attempt to be transferred to the infirmary.


Stephanie Carpenter

SWORN TO AND SUBSCRIBED before me this 22 day of May, 2007.


Notary

Exh. E-2

Smyrna Landing Road

SMYRNA DE. 19977

Phone#: 302-653-9261

INCIDENT REPORT

Group#: <u>N/A</u>		Type: <u>Inmate Involved</u>	Incident Date: <u>10/09/2004</u>	Time: <u>22:25</u>	Confidential: <u>No</u>
Facility: <u>DCC Delaware Correctional Center</u>				Followup Required: <u>No</u>	
Incident Location: <u>Bldg. 18 C Tier</u>					
Location Description: <u>SHU #18 CL3</u>					
Violated Conditions: <u>1.06/200.203 Disorderly or Threatening Behavior</u>					
Description of Incident: On the above date and approx. time Sgt. Carpenter Stephanie responded to the cell of I/m Brathwaite Kevin SBI #315294 CL3. I/m Brathwaite had a sheet tied to the light cage hanging down around his neck. Sgt. Carpenter called for the cell door to be open. When the cell door opened I/M Brathwaite lunged at Sgt. Carpenter. Sgt. Carpenter sprayed I/m Brathwaite in the face. I/m Brathwaite was then taken out of the cell and seen by medical. I/m Brathwaite was then taken back to the cell stripped out and all linens were taken out of the cell. notified area lt.					
Injured Persons		Hospitalized	Nature Of Injuries		
N/A		N/A	N/A		
Evidence Type: <u>N/A</u>				Date Collected: <u>N/A</u>	
Discovered By: <u>N/A</u>				Secured By: <u>N/A</u>	
Type of Force Used: <input type="checkbox"/> PHYSICAL <input type="checkbox"/> CHEMICAL <input type="checkbox"/> STUN <input type="checkbox"/> OTHER <input checked="" type="checkbox"/> CAPSTUN <input type="checkbox"/> NONE					
Restraints Used : hand cuffs shackles sop's					
Immediate Action Taken: This report.					
Individuals Involved					
Person Code	Name	SBI#	Title		
Staff	Stephanie, Carpenter J	N/A	CO Corporal/Sgt. - Large Inst.		
Staff	Casey, Phelps J	N/A	Correctional Officer		
Staff	Marshall, Moore V IV	N/A	Correctional Officer		
Staff	Victor, Gonzalez	N/A	Correctional Officer		
Inmate	Kevin, Brathwaite C	00315294	N/A		
Staff	Marcello, Rispoli T	N/A	Staff Lt./Lt		
Reporting Officer: <u>Carpenter, Stephanie J (Co Corporal/Sgt. - Large Inst.)</u>			Entered By: <u>Carpenter, Stephanie J (Co Corporal/Sgt. - Large Inst.)</u>		
Approval Information					
<input checked="" type="checkbox"/> Approved <input type="checkbox"/> Disapproved Date: <u>10/10/2004</u> Approved by: <u>McCreanor, Michael (Shift Commander - Large Inst.)</u>					
Comments: <u>N/A</u>					

Exh. E-3